

Union Calendar No. 460

97TH CONGRESS
2^D SESSION

H. R. 5008

[Report No. 97-751]

To amend the Communications Act of 1934 to make certain technical revisions regarding the administration of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17 (second legislative day), 1981

Mr. WIRTH introduced the following bill; which was referred to the Committee on Energy and Commerce

AUGUST 17, 1982

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 17 (second legislative day), 1981]

A BILL

To amend the Communications Act of 1934 to make certain technical revisions regarding the administration of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

4 *FINANCIAL INTERESTS OF MEMBERS AND EMPLOYEES OF*
5 *FEDERAL COMMUNICATIONS COMMISSION*

8 “(b)(1) *Each member of the Commission shall be a citi-*
9 *zen of the United States.*

12 “(i) be financially interested in any company or
13 other entity engaged in the manufacture or sale of tele-
14 communications equipment which is subject to regula-
15 tion by the Commission;

20 “(iii) be financially interested in any company or
21 other entity which controls any company or other
22 entity specified in clause (i) or clause (ii), or which de-
23 rives a significant portion of its total income from own-
24 ership of stocks, bonds, or other securities of any such
25 company or other entity; or

1 “(iv) be employed by, hold any official relation to,
2 or own any stocks, bonds, or other securities of, any
3 person significantly regulated by the Commission
4 under this Act;

5 except that the prohibitions established in this subparagraph
6 shall apply only to financial interests in any company or
7 other entity which has a significant interest in communica-
8 tions, manufacturing, or sales activities which are subject to
9 regulation by the Commission.

10 “(B)(i) The Commission shall have authority to waive,
11 from time to time, the application of the prohibitions estab-
12 lished in subparagraph (A) to persons employed by the Com-
13 mission if the Commission determines that the financial in-
14 terests of a person which are involved in a particular case are
15 minimal, except that such waiver authority shall be subject to
16 the provisions of section 208 of title 18, United States Code.
17 The waiver authority established in this subparagraph shall
18 not apply with respect to members of the Commission.

19 “(ii) In any case in which the Commission exercises the
20 waiver authority established in this subparagraph, the Com-
21 mission shall publish notice of such action in the Federal
22 Register and shall furnish notice of such action to the appro-
23 priate committees of each House of the Congress. Each such
24 notice shall include information regarding the identity of the
25 person receiving the waiver, the position held by such person,

1 *and the nature of the financial interests which are the subject*
2 *of the waiver.*

3 “(3) *The Commission, in determining whether a compa-*
4 *ny or other entity has a significant interest in communica-*
5 *tions, manufacturing, or sales activities which are subject to*
6 *regulation by the Commission, shall consider (without ex-*
7 *cluding other relevant factors)—*

8 “(A) *the revenues, investments, profits, and man-*
9 *agerial efforts directed to the related communications,*
10 *manufacturing, or sales activities of the company or*
11 *other entity involved, as compared to the other aspects*
12 *of the business of such company or other entity;*

13 “(B) *the extent to which the Commission regu-*
14 *lates and oversees the activities of such company or*
15 *other entity;*

16 “(C) *the degree to which the economic interests of*
17 *such company or other entity may be affected by any*
18 *action of the Commission; and*

19 “(D) *the perceptions held by the public regarding*
20 *the business activities of such company or other entity.*

21 “(4) *Members of the Commission shall not engage in*
22 *any other business, vocation, profession, or employment while*
23 *serving as such members.*

24 “(5) *Not more than four members of the Commission*
25 *may be members of the same political party.”.*

1 *APPOINTMENT, TERMS OF OFFICE, SALARY, AND*
2 *COMPENSATION OF MEMBERS OF COMMISSION*

3 *SEC. 3. (a) Section 4(c) of the Communications Act of*
4 *1934 (47 U.S.C. 154(c)) is amended—*

5 *(1) by striking out “The”;*

6 *(2) by striking out “first appointed” and all that*
7 *follows through “but their successors”; and*

8 *(3) by striking out “qualified” and inserting in*
9 *lieu thereof “been confirmed and taken the oath of*
10 *office”.*

11 *(b) Section 4(d) of the Communications Act of 1934 (47*
12 *U.S.C. 154(d)) is amended to read as follows:*

13 *“(d) Each Commissioner shall receive an annual salary*
14 *at the annual rate payable from time to time for level IV of*
15 *the Executive Schedule, payable in monthly installments.*
16 *The Chairman of the Commission, during the period of his*
17 *service as Chairman, shall receive an annual salary at the*
18 *annual rate payable from time to time for level III of the*
19 *Executive Schedule.”.*

20 *(c) Section 4(f)(2) of the Communications Act of 1934*
21 *(47 U.S.C. 154(f)(2)) is amended by striking out “a legal*
22 *assistant, an engineering assistant,” and inserting in lieu*
23 *thereof “three professional assistants”.*

24 *(d) Section 4(g) of the Communications Act of 1934 (47*
25 *U.S.C. 154(g)) is amended by inserting “(1)” after the sub-*

1 *section designation, and by adding at the end thereof the fol-*
2 *lowing new paragraph:*

3 “(2)(A) If—

4 “(i) *the necessary expenses specified in the last*
5 *sentence of paragraph (1) have been incurred for the*
6 *purpose of enabling Commissioners or employees of the*
7 *Commission to attend and participate in any conven-*
8 *tion, conference, or meeting;*

9 “(ii) *such attendance and participation are in fur-*
10 *therance of the functions of the Commission; and*

11 “(iii) *such attendance and participation are re-*
12 *quested by the person sponsoring such convention, con-*
13 *ference, or meeting;*

14 *then the Commission shall have authority to accept direct*
15 *reimbursement from such sponsor for such necessary ex-*
16 *penses.*

17 “(B) *The total amount of unreimbursed expenditures*
18 *made by the Commission for travel for any fiscal year, to-*
19 *gether with the total amount of reimbursements which the*
20 *Commission accepts under subparagraph (A) for such fiscal*
21 *year, shall not exceed the level of travel expenses appropri-*
22 *ated to the Commission for such fiscal year.*

23 “(C) *The Commission shall submit to the appropriate*
24 *committees of the Congress, and publish in the Federal Reg-*

1 *ister, quarterly reports specifying reimbursements which the*
2 *Commission has accepted under this paragraph.*

3 *“(D) The provisions of this paragraph shall cease to*
4 *have any force or effect at the end of fiscal year 1985.”.*

5 *(e) Section 4(k)(2) of the Communications Act of 1934*
6 *(47 U.S.C. 154(k)(2)) is amended by striking out “: Pro-*
7 *vided, That the” and all that follows through “by such re-*
8 *ports”.*

9 *(f) Section 4(k) of the Communications Act of 1934 (47*
10 *U.S.C. 154(k)) is amended by redesignating paragraph (4)*
11 *and paragraph (5) as paragraph (3) and paragraph (4), re-*
12 *spectively.*

13 *(g) Section 4(k)(4) of the Communications Act of 1934,*
14 *as so redesignated in subsection (f), is amended by striking*
15 *out “Bureau of the Budget” and inserting in lieu thereof*
16 *“Office of Management and Budget”.*

17 *USE OF AMATEUR VOLUNTEERS FOR CERTAIN PURPOSES*

18 *SEC. 4. Section 4(f) of the Communications Act of*
19 *1934 (47 U.S.C. 154(f)) is amended by adding at the end*
20 *thereof the following new paragraph:*

21 *“(4)(A) The Commission, for purposes of preparing any*
22 *examination for an amateur station operator license, may*
23 *accept and employ the voluntary and uncompensated services*
24 *of any individual who holds an amateur station operator li-*
25 *cense of a higher class than the class license for which the*

1 *examination is being prepared. In the case of examinations*
2 *for the highest class of amateur station operator license, the*
3 *Commission may accept and employ such services of any*
4 *individual who holds such class of license.*

5 “(B) *The Commission, for purposes of administering*
6 *any examination for an amateur station operator license,*
7 *may accept and employ the voluntary and uncompensated*
8 *services of any individual who holds an amateur station oper-*
9 *ator license of a higher class than the class license for which*
10 *the examination is being conducted. In the case of examina-*
11 *tions for the highest class of amateur station operator license,*
12 *the Commission may accept and employ such services of any*
13 *individual who holds such class of license. Any person who*
14 *owns a significant interest in, or is an employee of, any com-*
15 *pany or other entity which is engaged in the manufacture or*
16 *distribution of equipment used in connection with amateur*
17 *radio transmissions, or in the preparation or distribution of*
18 *any publication used in preparation for obtaining amateur*
19 *station operator licenses, shall not be eligible to render any*
20 *service under this paragraph.*

21 “(C)(i) *The Commission, for purposes of monitoring*
22 *violations of any provision of this Act (and of any regulation*
23 *prescribed by the Commission under this Act) relating to the*
24 *amateur radio service, may—*

1 “(I) recruit and train any individual licensed by
2 the Commission to operate an amateur station; and

3 “(II) accept and employ the voluntary and un-
4 compensated services of such individual.

5 “(ii) The Commission, for purposes of recruiting and
6 training individuals under clause (i) and for purposes of
7 screening, annotating, and summarizing violation reports re-
8 ferred under clause (i), may accept and employ the voluntary
9 and uncompensated services of any amateur station operator
10 organization.

11 “(iii) The functions of individuals recruited and trained
12 under this subparagraph shall be limited to—

13 “(I) the detection of improper amateur radio
14 transmissions;

15 “(II) the conveyance to Commission personnel of
16 information which is essential to the enforcement of
17 this Act (or regulations prescribed by the Commission
18 under this Act) relating to the amateur radio service;
19 and

20 “(III) issuing advisory notices, under the general
21 direction of the Commission, to persons who apparently
22 have violated any provision of this Act (or regulations
23 prescribed by the Commission under this Act) relating
24 to the amateur radio service.

1 *Nothing in this clause shall be construed to grant individuals*
2 *recruited and trained under this subparagraph any authority*
3 *to issue sanctions to violators or to take any enforcement*
4 *action other than any action which the Commission may pre-*
5 *scribe by rule.*

6 “(D)(i) *The Commission, for purposes of monitoring*
7 *violations of any provision of this Act (and of any regulation*
8 *prescribed by the Commission under this Act) relating to the*
9 *citizens band radio service, may—*

10 “(I) *recruit and train any citizens band radio op-*
11 *erator; and*

12 “(II) *accept and employ the voluntary and un-*
13 *compensated services of such operator.*

14 “(ii) *The Commission, for purposes of recruiting and*
15 *training individuals under clause (i) and for purposes of*
16 *screening, annotating, and summarizing violation reports re-*
17 *ferred under clause (i), may accept and employ the voluntary*
18 *and uncompensated services of any citizens band radio opera-*
19 *tor organization. The Commission, in accepting and employ-*
20 *ing services of individuals under this subparagraph, shall*
21 *seek to achieve a broad representation of individuals and or-*
22 *ganizations interested in citizens band radio operation.*

23 “(iii) *The functions of individuals recruited and trained*
24 *under this subparagraph shall be limited to—*

1 “(I) the detection of improper citizens band radio
2 transmissions;

3 “(II) the conveyance to Commission personnel of
4 information which is essential to the enforcement of
5 this Act (or regulations prescribed by the Commission
6 under this Act) relating to the citizens band radio serv-
7 ice; and

8 “(III) issuing advisory notices, under the general
9 direction of the Commission, to persons who apparently
10 have violated any provision of this Act (or regulations
11 prescribed by the Commission under this Act) relating
12 to the citizens band radio service.

13 Nothing in this clause shall be construed to grant individuals
14 recruited and trained under this subparagraph any authority
15 to issue sanctions to violators or to take any enforcement
16 action other than any action which the Commission may pre-
17 scribe by rule.

18 “(E) The authority of the Commission established in
19 this paragraph shall not be subject to or affected by the provi-
20 sions of part III of title 5, United States Code, or section
21 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

22 “(F) Any person who provides services under this para-
23 graph shall not be considered, by reason of having provided
24 such services, a Federal employee.

1 “(G) The Commission, in accepting and employing
2 services of individuals under subparagraphs (A), (B), and
3 (C), shall seek to achieve a broad representation of individ-
4 uals and organizations interested in amateur station oper-
5 ation.

6 “(H) The Commission may establish rules of conduct
7 and other regulations governing the service of individuals
8 under this paragraph.”.

9 ORGANIZATION AND FUNCTIONING OF COMMISSION

10 SEC. 5. (a) Section 5(b) of the Communications Act of
11 1934 (47 U.S.C. 155(b)) is amended—

12 (1) by striking out “Within” and all that follows
13 through “and from” and inserting in lieu thereof
14 “From”; and

15 (2) by striking out “thereafter”.

16 (b) Section 5 of the Communications Act of 1934 (47
17 U.S.C. 155) is amended by redesignating subsection (d) and
18 subsection (e) as subsection (c) and subsection (d),
19 respectively.

20 (c) The first sentence of section 5(c)(1) of the Communi-
21 cations Act of 1934, as so redesignated in subsection (b), is
22 amended by striking out “three” and inserting in lieu thereof
23 “two”.

1 *JURISDICTION OF COMMISSION*

2 *SEC. 6. Section 301 of the Communications Act of*
3 *1934 (47 U.S.C. 301) is amended—*

4 *(1) by striking out “interstate and foreign”;*

5 *(2) by inserting “State,” after “any” the third*
6 *place it appears therein;*

7 *(3) by inserting a comma after “Territory” the*
8 *first place it appears therein; and*

9 *(4) by inserting “State,” after “same”.*

10 *INTERFERENCE WITH ELECTRONIC EQUIPMENT*

11 *SEC. 7. (a)(1) The first sentence of section 302(a) of the*
12 *Communications Act of 1934 (47 U.S.C. 302(a)) is amend-*
13 *ed by inserting “(1)” after “regulations”, and by inserting*
14 *before the period at the end thereof the following: “; and (2)*
15 *establishing minimum performance standards for home elec-*
16 *tronic equipment and systems to reduce their susceptibility to*
17 *interference from radio frequency energy”.*

18 *(2) The last sentence of section 302(a) of the Communi-*
19 *cations Act of 1934 (47 U.S.C. 302(a)) is amended by strik-*
20 *ing out “shipment, or use of such devices” and inserting in*
21 *lieu thereof “or shipment of such devices and home electronic*
22 *equipment and systems, and to the use of such devices”.*

23 *(3) Section 302(b) of the Communications Act of 1934*
24 *(47 U.S.C. 302(b)) is amended by striking out “ship, or use*

1 *devices” and inserting in lieu thereof “or ship devices or*
2 *home electronic equipment and systems, or use devices,”.*

3 *(4) Section 302(c) of the Communications Act of 1934*
4 *(47 U.S.C. 302(c)) is amended—*

5 *(A) in the first sentence thereof, by inserting “or*
6 *home electronic equipment and systems” after “de-*
7 *vices” each place it appears therein; and*

8 *(B) in the last sentence thereof, by inserting “and*
9 *home electronic equipment and systems” after “De-*
10 *vices”, by striking out “common objective” and insert-*
11 *ing in lieu thereof “objectives”, and by inserting “and*
12 *to home electronic equipment and systems” after “re-*
13 *ception”.*

14 *(b) Any minimum performance standard established by*
15 *the Federal Communications Commission under section*
16 *302(a)(2) of the Communications Act of 1934, as added by*
17 *the amendment made in subsection (a)(1), shall not apply to*
18 *any home electronic equipment or systems manufactured*
19 *before the date of the enactment of this Act.*

20 **QUALIFICATIONS OF STATION OPERATORS**

21 *SEC. 8. Section 303(l)(1) of the Communications Act*
22 *of 1934 (47 U.S.C. 303(l)(1)) is amended—*

23 *(1) by striking out “such citizens” and all that*
24 *follows through “qualified” and inserting in lieu*
25 *thereof “persons who are found to be qualified by the*

1 *Commission and who otherwise are legally eligible for*
2 *employment in the United States”;* and

3 (2) *by striking out “in issuing licenses” and all*
4 *that follows through the end thereof and inserting in*
5 *lieu thereof the following: “such requirement relating to*
6 *eligibility for employment in the United States shall*
7 *not apply in the case of licenses issued by the Commis-*
8 *sion to (A) persons holding United States pilot certifi-*
9 *cates; or (B) persons holding foreign aircraft pilot cer-*
10 *tificates which are valid in the United States, if the*
11 *foreign government involved has entered into a recipro-*
12 *cal agreement under which such foreign government*
13 *does not impose any similar requirement relating to*
14 *eligibility for employment upon citizens of the United*
15 *States;”.*

16 **GROUPS FOR SUSPENSION OF LICENSES**

17 *SEC. 9. Section 303(m)(1)(A) of the Communications*
18 *Act of 1934 (47 U.S.C. 303(m)(1)(A)) is amended by insert-*
19 *ing “, or caused, aided, or abetted the violation of,” after*
20 *“violated”.*

21 **LICENSING OF CERTAIN AIRCRAFT RADIO STATIONS AND**
22 **OPERATORS**

23 *SEC. 10. (a) Section 303 of the Communications Act of*
24 *1934 (47 U.S.C. 303) is amended by adding at the end*
25 *thereof the following new paragraph:*

1 “(t) Notwithstanding the provisions of section 301(e),
2 have authority, in any case in which an aircraft registered in
3 the United States is operated (pursuant to a lease, charter, or
4 similar arrangement) by an aircraft operator who is subject
5 to regulation by the government of a foreign nation, to enter
6 into an agreement with such government under which the
7 Commission shall recognize and accept any radio station li-
8 censes and radio operator licenses issued by such government
9 with respect to such aircraft.”.

10 (b) Section 301(e) of the Communications Act of 1934
11 (47 U.S.C. 301(e)) is amended by inserting “(except as pro-
12 vided in section 303(t))” after “United States”.

13 REVISION OF LICENSE TERMS

14 SEC. 11. (a) Section 307 of the Communications Act of
15 1934 (47 U.S.C. 307) is amended by striking out subsection
16 (c), and by redesignating subsection (d) and subsection (e) as
17 subsection (c) and subsection (d), respectively.

18 (b) Section 307(c) of the Communications Act of 1934,
19 as so redesignated in subsection (a), is amended—

20 (1) by striking out “five years” the second place
21 and the last place it appears therein and inserting in
22 lieu thereof “ten years”; and

23 (2) by inserting after the second sentence thereof
24 the following new sentence: “The term of any license
25 for the operation of any auxiliary broadcast station or

1 *equipment which can be used only in conjunction with*
 2 *a primary radio, television, or translator station shall*
 3 *be concurrent with the term of the license for such pri-*
 4 *mary radio, television, or translator station.”.*

5 *AUTHORITY TO OPERATE CERTAIN RADIO STATIONS*
 6 *WITHOUT INDIVIDUAL LICENSES*

7 *SEC. 12. (a) Section 307 of the Communications Act of*
 8 *1934, as amended in section 11(a), is further amended by*
 9 *adding at the end thereof the following new subsection:*

10 *“(e)(1) Notwithstanding any licensing requirement es-*
 11 *tablished in this Act, the Commission may by rule authorize*
 12 *the operation of radio stations without individual licenses in*
 13 *the radio control service and the citizens band radio service if*
 14 *the Commission determines that such authorization serves the*
 15 *public interest, convenience, and necessity.*

16 *“(2) Any radio station operator who is authorized by the*
 17 *Commission under paragraph (1) to operate without an indi-*
 18 *vidual license shall comply with all other provisions of this*
 19 *Act and with rules prescribed by the Commission under this*
 20 *Act.*

21 *“(3) For purposes of this subsection, the terms ‘radio*
 22 *control service’ and ‘citizens band radio service’ shall have*
 23 *the meanings given them by the Commission by rule.”.*

24 *(b) Section 303(n) of the Communications Act of 1934*
 25 *(47 U.S.C. 303(n)) is amended by inserting after “any Act”*

1 *the first place it appears therein the following: “, or which the*
 2 *Commission by rule has authorized to operate without a li-*
 3 *cense under section 307(e)(1),”.*

4 *AUTHORIZATION OF TEMPORARY OPERATIONS*

5 *SEC. 13. Section 309(f) of the Communications Act of*
 6 *1934 (47 U.S.C. 309(f)) is amended—*

7 *(1) by striking out “emergency” each place it ap-*
 8 *pears therein and inserting in lieu thereof “tempo-*
 9 *rary”;*

10 *(2) by striking out “one additional period” and*
 11 *inserting in lieu thereof “additional periods”; and*

12 *(3) by striking out “ninety days” and inserting*
 13 *in lieu thereof “180 days”.*

14 *RANDOM SELECTION SYSTEM FOR CERTAIN LICENSES*

15 *AND PERMITS*

16 *SEC. 14. (a) Section 309(i)(1) of the Communications*
 17 *Act of 1934 (47 U.S.C. 309(i)(1)) is amended—*

18 *(1) by striking out “applicant” the first place it*
 19 *appears therein and inserting in lieu thereof “applica-*
 20 *tion”; and*

21 *(2) by striking out “the qualifications of each*
 22 *such applicant under section 308(b)” and inserting in*
 23 *lieu thereof “that each such application is acceptable*
 24 *for filing”.*

1 (b) Section 309(i)(2) of the Communications Act of
2 1934 (47 U.S.C. 309(i)(2)) is amended to read as follows:

3 “(2) No license or construction permit shall be granted
4 to an applicant selected pursuant to paragraph (1) unless the
5 Commission determines the qualifications of such applicant
6 pursuant to subsection (a) and section 308(b). When sub-
7 stantial and material questions of fact exist concerning such
8 qualifications, the Commission shall conduct a hearing in
9 order to make such determinations. For the purpose of
10 making such determinations, the Commission may, by rule,
11 and notwithstanding any other provision of law—

12 “(A) adopt procedures for the submission of all or
13 part of the evidence in written form;

14 “(B) delegate the function of presiding at the
15 taking of written evidence to Commission employees
16 other than administrative law judges; and

17 “(C) omit the determination required by subsec-
18 tion (a) with respect to any application other than the
19 one selected pursuant to paragraph (1).”.

20 (c)(1) Section 309(i)(3)(A) of the Communications Act
21 of 1934 (47 U.S.C. 309(i)(3)(A)) is amended by striking out
22 “, groups” the first place it appears therein, and all that
23 follows through the end thereof, and inserting in lieu thereof
24 the following: “used for granting licenses or construction per-
25 mits for any media of mass communications, significant pref-

1 erences will be granted to applicants or groups of applicants,
2 the grant to which of the license or permit would increase the
3 diversification of ownership of the media of mass communica-
4 tions. To further diversify the ownership of the media of mass
5 communications, an additional significant preference shall be
6 granted to any applicant controlled by a member or members
7 of a minority group.”.

8 (2) Section 309(i)(3) of the Communications Act of
9 1934 (47 U.S.C. 309(i)(3)) is amended by adding at the end
10 thereof the following new subparagraph:

11 “(C) For purposes of this paragraph:

12 “(i) The term ‘media of mass communications’ in-
13 cludes television, radio, cable television, multipoint dis-
14 tribution service, direct broadcast satellite service, and
15 other services, the licensed facilities of which may be
16 substantially devoted toward providing programming or
17 other information services within the editorial control
18 of the licensee.

19 “(ii) The term ‘minority group’ includes Blacks,
20 Hispanics, American Indians, Alaska Natives, Asians,
21 and Pacific Islanders.”.

22 (d) Section 309(i)(4)(A) of the Communications Act of
23 1934 (47 U.S.C. 309(i)(4)(A)) is amended by striking out
24 “effective date of this subsection” and inserting in lieu there-

1 of “date of the enactment of the Communications Technical
2 Amendments Act of 1982”.

3 *AGREEMENTS RELATING TO WITHDRAWAL OF CERTAIN*
4 *APPLICATIONS*

5 *SEC. 15. (a) Section 311(c)(3) of the Communications*
6 *Act of 1934 (47 U.S.C. 311(c)(3)) is amended by striking*
7 *out “the agreement” the second place it appears therein and*
8 *all that follows through the end thereof and inserting in lieu*
9 *thereof the following: “(A) the agreement is consistent with*
10 *the public interest, convenience, or necessity; and (B) no*
11 *party to the agreement filed its application for the purpose of*
12 *reaching or carrying out such agreement.”.*

13 *(b) Section 311(d)(1) of the Communications Act of*
14 *1934 (47 U.S.C. 311(d)(1)) is amended by striking out “two*
15 *or more” and all that follows through “station” and inserting*
16 *in lieu thereof the following: “an application for the renewal*
17 *of a license granted for the operation of a broadcasting station*
18 *and one or more applications for a construction permit relat-*
19 *ing to such station”.*

20 *(c) Section 311(d)(3) of the Communications Act of*
21 *1934 (47 U.S.C. 311(d)(3)) is amended by striking out “li-*
22 *cense”.*

1 *WILLFUL OR REPEATED VIOLATIONS*

2 *SEC. 16. Section 312 of the Communications Act of*
3 *1934 (47 U.S.C. 312) is amended by adding at the end*
4 *thereof the following new subsection:*

5 *“(f) For purposes of this section:*

6 *“(1) The term ‘willful’, when used with reference*
7 *to the commission or omission of any act, means the*
8 *conscious and deliberate commission or omission of*
9 *such act, irrespective of any intent to violate any provi-*
10 *sion of this Act or any rule or regulation of the Com-*
11 *mission authorized by this Act or by a treaty ratified*
12 *by the United States.*

13 *“(2) The term ‘repeated’, when used with refer-*
14 *ence to the commission or omission of any act, means*
15 *the commission or omission of such act more than once*
16 *or, if such commission or omission is continuous, for*
17 *more than one day.”.*

18 *APPLICABILITY OF CONSTRUCTION PERMIT*

19 *REQUIREMENTS TO CERTAIN STATIONS*

20 *SEC. 17. Section 319(a) of the Communications Act of*
21 *1934 (47 U.S.C. 319(a)) is amended by striking out “the*
22 *construction of which is begun or is continued after this Act*
23 *takes effect,”.*

1 *AUTHORITY TO ELIMINATE CERTAIN CONSTRUCTION*2 *PERMITS*

3 *SEC. 18. Section 319(d) of the Communications Act of*
4 *1934 (47 U.S.C. 319(d)) is amended to read as follows:*

5 *“(d) A permit for construction shall not be required for*
6 *Government stations, amateur stations, or mobile stations. A*
7 *permit for construction shall not be required for public coast*
8 *stations, privately owned fixed microwave stations, or sta-*
9 *tions licensed to common carriers, unless the Commission de-*
10 *termines that the public interest, convenience, and necessity*
11 *would be served by requiring such permits for any such sta-*
12 *tions. With respect to any broadcasting station, the Commis-*
13 *sion shall not have any authority to waive the requirement of*
14 *a permit for construction. With respect to any other station or*
15 *class of stations, the Commission shall not waive such re-*
16 *quirement unless the Commission determines that the public*
17 *interest, convenience, and necessity would be served by such*
18 *a waiver.”.*

19 *EXPORTATION OF PROGRAMMING*

20 *SEC. 19. (a)(1) Section 325 of the Communications*
21 *Act of 1934 (47 U.S.C. 325) is amended by striking out*
22 *subsection (b) and subsection (c).*

23 *(2) Section 325(a) of the Communications Act of 1934*
24 *(47 U.S.C. 325(a)) is amended by striking out “(a)”.*

1 (3) *The heading for section 325 of the Communications*
2 *Act of 1934 (47 U.S.C. 325) is amended by striking out “;*
3 *STUDIOS OF FOREIGN STATIONS”.*

4 (b) *Section 309(c)(2) of the Communications Act of*
5 *1934 (47 U.S.C. 309(c)(2)) is amended by striking out sub-*
6 *paragraph (F), and by redesignating subparagraph (G) and*
7 *subparagraph (H) as subparagraph (F) and subparagraph*
8 *(G), respectively.*

9 *PRIVATE LAND MOBILE SERVICES*

10 *SEC. 20. (a) Part I of title III of the Communications*
11 *Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at*
12 *the end thereof the following new section:*

13 *“PRIVATE LAND MOBILE SERVICES*

14 *“SEC. 331. (a) In taking actions to manage the spec-*
15 *trum to be made available for use by the private land mobile*
16 *services, the Commission shall consider, consistent with sec-*
17 *tion 1 of this Act, whether such actions will—*

18 *“(1) promote the safety of life and property;*

19 *“(2) improve the efficiency of spectrum use and*
20 *reduce the regulatory burden upon spectrum users,*
21 *based upon sound engineering principles, user oper-*
22 *ational requirements, and marketplace demands;*

23 *“(3) encourage competition and provide services to*
24 *the largest feasible number of users; or*

1 “(4) increase interservice sharing opportunities
2 between private land mobile services and other services.

3 “(b)(1) The Commission, in coordinating the assign-
4 ment of frequencies to stations in the private land mobile
5 services and in the fixed services (as defined by the Commis-
6 sion by rule), shall have authority to utilize assistance fur-
7 nished by advisory coordinating committees consisting of in-
8 dividuals who are not officers or employees of the Federal
9 Government.

10 “(2) The authority of the Commission established in
11 this subsection shall not be subject to or affected by the provi-
12 sions of part III of title 5, United States Code, or section
13 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

14 “(3) Any person who provides assistance to the Com-
15 mission under this subsection shall not be considered, by
16 reason of having provided such assistance, a Federal employ-
17 ee.

18 “(4) Any advisory coordinating committee which fur-
19 nishes assistance to the Commission under this subsection
20 shall not be subject to the provisions of the Federal Advisory
21 Committee Act.

22 “(c)(1) For purposes of this section, private land mobile
23 service shall include service provided by specialized mobile
24 radio, multiple licensed radio dispatch systems, and all other
25 radio dispatch systems, regardless of whether such service is

1 *provided indiscriminately to eligible users on a commercial*
2 *basis, except that a land station licensed in such service to*
3 *multiple licensees or otherwise shared by authorized users*
4 *(other than a nonprofit, cooperative station) shall not be in-*
5 *terconnected with a telephone exchange or interexchange serv-*
6 *ice or facility for any purpose, except to the extent that (A)*
7 *each user obtains such interconnection directly from a duly*
8 *authorized carrier; or (B) licensees jointly obtain such inter-*
9 *connection directly from a duly authorized carrier.*

10 “(2) *A person engaged in private land mobile service*
11 *shall not, insofar as such person is so engaged, be deemed a*
12 *common carrier for any purpose under this Act. A common*
13 *carrier shall not provide any dispatch service on any frequen-*
14 *cy allocated for common carrier service, except to the extent*
15 *such dispatch service is provided on stations licensed in the*
16 *domestic public land mobile radio service before January 1,*
17 *1982.*

18 “(3) *No State or local government shall have any au-*
19 *thority to impose any rate or entry regulation upon any pri-*
20 *vate land mobile service, except that nothing in this subsec-*
21 *tion may be construed to impair such jurisdiction with re-*
22 *spect to common carrier stations in the mobile service.”.*

23 ***(b)(1) Section 3 of the Communications Act of 1934***
24 ***(47 U.S.C. 153) is amended by adding at the end thereof the***
25 ***following new paragraph:***

1 “(gg) ‘Private land mobile service’ means a mobile serv-
2 ice which provides a regularly interacting group of base,
3 mobile, portable, and associated control and relay stations
4 (whether licensed on an individual, cooperative, or multiple
5 basis) for private one-way or two-way land mobile radio com-
6 munications by eligible users over designated areas of oper-
7 ation.”.

8 (2) Section 3(n) of the Communications Act of 1934
9 (47 U.S.C. 153(n)) is amended to read as follows:

10 “(n) ‘*Mobile service*’ means a radio communication
11 *service carried on between mobile stations or receivers and*
12 *land stations, and by mobile stations communicating among*
13 *themselves, and includes both one-way and two-way radio*
14 *communication services.*”.

15 *NOTICES OF APPEAL*

16 *SEC. 21. Section 402(d) of the Communications Act of*
17 *1934 (47 U.S.C. 402(d)) is amended—*

18 (1) by striking out “Commission” the first place
19 it appears therein and inserting in lieu thereof “appel-
20 lant”;

21 (2) by striking out “date of service upon it” and
22 inserting in lieu thereof “filing of such notice”;

23 (3) by striking out “and shall thereafter” and all
24 that follows through “Washington”; and

1 (4) by striking out “Within thirty days after the
2 filing of an appeal, the” and inserting in lieu thereof
3 “The”.

4 COMPUTATION OF CERTAIN FILING DEADLINES

5 SEC. 22. The last sentence of section 405 of the Com-
6 munications Act of 1934 (47 U.S.C. 405) is amended by
7 striking out “public notice” and all that follows through the
8 end thereof and inserting in lieu thereof the following: “the
9 Commission gives public notice of the order, decision, report,
10 or action complained of.”.

11 EFFECTIVE DATE OF CERTAIN COMMISSION ORDERS

12 SEC. 23. Section 408 of the Communications Act of
13 1934 (47 U.S.C. 408) is amended by striking out “within
14 such reasonable time” and all that follows through the end
15 thereof and inserting in lieu thereof the following: “thirty
16 calendar days from the date upon which public notice of the
17 order is given, unless the Commission designates a different
18 effective date. All such orders shall continue in force for the
19 period of time specified in the order or until the Commission
20 or a court of competent jurisdiction issues a superseding
21 order.”.

22 APPLICATION OF FORFEITURE REQUIREMENTS TO CABLE

23 TELEVISION SYSTEM OPERATORS

24 SEC. 24. The second sentence of section 503(b)(5) of the
25 Communications Act of 1934 (47 U.S.C. 503(b)(5)) is

1 amended by inserting “, or is a cable television system opera-
2 tor” before the period at the end thereof.

3 **FORFEITURE OF COMMUNICATIONS DEVICES**

4 *SEC. 25. Title V of the Communications Act of 1934*
5 *(47 U.S.C. 501 et seq.) is amended by adding at the end*
6 *thereof the following new section:*

7 **“FORFEITURE OF COMMUNICATIONS DEVICES**

8 **“SEC. 510. (a) Any electronic, electromagnetic, radio**
9 **frequency, or similar device, or component thereof, used, sent,**
10 **carried, manufactured, assembled, possessed, offered for sale,**
11 **sold, or advertised with willful and knowing intent to violate**
12 **section 301 or 302, or rules prescribed by the Commission**
13 **under such sections, may be seized and forfeited to the United**
14 **States.**

15 **“(b) Any property subject to forfeiture to the United**
16 **States under this section may be seized by the Attorney Gen-**
17 **eral of the United States upon process issued pursuant to the**
18 **supplemental rules for certain admiralty and maritime**
19 **claims by any district court of the United States having ju-**
20 **risdiction over the property, except that seizure without such**
21 **process may be made if the seizure is incident to a lawful**
22 **arrest or search.**

23 **“(c) All provisions of law relating to—**

1 “(1) the seizure, summary and judicial forfeiture,
2 and condemnation of property for violation of the cus-
3 toms laws;

4 “(2) the disposition of such property or the pro-
5 ceeds from the sale thereof;

6 “(3) the remission or mitigation of such forfeit-
7 ures; and

8 “(4) the compromise of claims with respect to such
9 forfeitures;

10 shall apply to seizures and forfeitures incurred, or alleged to
11 have been incurred, under the provisions of this section, inso-
12 far as applicable and not inconsistent with the provisions of
13 this section, except that such seizures and forfeitures shall be
14 limited to the communications device, devices, or components
15 thereof.

16 “(d) Whenever property is forfeited under this section,
17 the Attorney General of the United States may forward it to
18 the Commission or sell any forfeited property which is not
19 harmful to the public. The proceeds from any such sale shall
20 be deposited in the general fund of the Treasury of the United
21 States.”.

22 EXEMPTION APPLICABLE TO AMATEUR RADIO

23 COMMUNICATIONS

24 SEC. 26. The last sentence of section 605 of the Com-
25 munications Act of 1934 (47 U.S.C. 605) is amended—

1 (1) by striking out "broadcast or";

2 (2) by striking out "amateurs or others" and in-
3 serting in lieu thereof "any station";

4 (3) by striking out "or" the last place it appears
5 therein;

6 (4) by inserting ", aircraft, vehicles, or persons"
7 after "ships"; and

8 (5) by inserting before the period at the end there-
9 of the following: ", or which is transmitted by an ama-
10 teur radio station operator or by a citizens band radio
11 operator".

12 TECHNICAL AMENDMENTS

13 SEC. 27. (a) Section 304 of the Communications Act of
14 1934 (47 U.S.C. 304) is amended by striking out "ether"
15 and inserting in lieu thereof "electromagnetic spectrum".

16 (b) Section 402(a) of the Communications Act of 1934
17 (47 U.S.C. 402(a)) is amended by striking out "Public
18 Law" and all that follows through the end thereof and insert-
19 ing in lieu thereof "chapter 158 of title 28, United States
20 Code.".

21 (c)(1) Section 405 of the Communications Act of 1934
22 (47 U.S.C. 405) is amended by striking out "rehearing"
23 each place it appears therein and inserting in lieu thereof
24 "reconsideration".

1 (2) *The heading for section 405 of the Communications*
2 *Act of 1934 (47 U.S.C. 405) is amended by striking out*
3 *“REHEARINGS” and inserting in lieu thereof “RECONSID-*
4 *ERATIONS”.*

5 *AMENDMENT TO OTHER LAW*

6 *SEC. 28. Section 1114 of title 18, United States Code,*
7 *is amended by inserting after “law enforcement functions,”*
8 *the following: “or any officer or employee of the Federal*
9 *Communications Commission performing investigative, in-*
10 *spection, or law enforcement functions,”.*

Union Calendar No. 460

97TH CONGRESS
2D SESSION

H. R. 5008

[Report No. 97-751]

A BILL

To amend the Communications Act of 1934 to make certain technical revisions regarding the administration of such Act, and for other purposes.

AUGUST 17, 1982

Reported with an amendment, committed to the Committee of the Whole House of the State of the Union, and ordered to be printed